

APPROVED: Meeting No. 8-88

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 5-88

February 8, 1988

The Mayor and Council of Rockville, Maryland, convened in Executive Session in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, February 8, 1988, at 7:00 p.m. for consultation with legal counsel.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian
(arrived at 7:08 p.m.)

Councilman David Robbins

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 7:25 p.m. to convene in General Session at 7:30 p.m.

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, February 8, 1988, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul Glasgow, City Clerk Helen M. Heneghan, Acting City Manager Rick Kuckkahn.

Re: City Manager's Report

Mr. Kuckkahn reported the following:

1. Mr. Lawrence Johnson has agreed to provide free legal service to City residents in the Lincoln Park/Maryvale area.

2. With the growing concern about the existence of radon in homes, schools, and the work place, staff is taking steps to provide information on the subject to residents. There will be an article in the February 11th issue of Rockville Reports, telling residents about Channel 7's radon testing program, whereby kits are distributed through Safeway stores at a nominal cost.

3. City representatives and members of the Lincoln Park community met with the State Highway Administration last week to discuss access alternatives for Lincoln Park. Five options have been forwarded to the community for their review. Information will be forwarded to the Mayor and Council when it is complete.

Councilman Abrams asked if the City could arrange for other channels of distribution for the radon kits. The City Manager explained that Channel 7 is organizing and creating the program. However, the City will suggest to the private sector that they might improve distribution.

Re: Recognition of Championship
Teams from the Rockville
Football League

Members of the St. Mary's and Patriots teams were awarded certificates of appreciation for their participation in the Rockville Football League program this year. The following are the names of those players and coaches recognized:

St. Mary's: Coach Tom Dickerson and players Keith Maynard, Darren Maynard, Sean Gardner, Jason LePonka, Timothy Hart, Bill Wire, Kyle

Dickerson, Brian Vandegrift, Richard Kaelin, William Moran, Richard Vengazo, Michael Vance, Michael Bullock, Geoffrey Mastro, Steven Day, Shane Myers, Matthew Benson, Kevin Geoghegan (McGrew), Tom Murphy, Joe Murphy, Tom McIntyre, Jason Siok, Chris McAnally, Greg Grinder, Dennis Ruggeri, Isaish Payne.

Patriots: Coach Kevin Cosimano, Jason Lieberman, Brian Pappalardo, Donald E. Scott, Sergio Fernandez, Joey Lauritzen, Bryan Alvarez, Patrick Horton, Chris Tourigny, Adam Koonin, Scott Sherman, Brendon Kelley, Andrew Baxter, Shane Horman, Timothy Mehok, Markus Videnieks, Brian Kudon, Jeff Coyle, Brian James, David Roberge, Kevin Sherman, Dagem Hailemariam, Kevin Cronin, Phillip Shellhaas.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 2-88, January 23, 1988, were approved as corrected.

On motion of Councilman Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 3-88, February 1, 1988, were approved as corrected.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. William F. Surgi, 1704 McAuliffe Drive, addressed the Mayor and Council regarding a proposed ordinance that will be before the Mayor and Council for public hearing on March 21, 1988, that would prohibit airplanes in the backyards of private residences. Since Mr. Surgi's plane prompted the ordinance, he explained that he checked all local ordinances prior to moving in and beginning the process and he finds now that his hobby will be taken from him.

Mayor Duncan urged Mr. Surgi to testify at the March 21st hearing.

2. Robert Brook, 1809 McAuliffe Drive, addressed the Mayor and Council and opposed the ordinance on airplanes in residential backyards. He told the Council that the ordinance affects him directly, since he too has a plane in his back yard, but that he also objects in principle. He suggested that the

Mayor and Council might address the problem of trash in Mr. Surgi's yard and not the airplane.

The Mayor and Council urged Mr. Brook to please make his comments part of the official record on March 21st.

Re: Approval of on-site waiver #8-
88, Great Falls Road

The 0.84 acre site of the Jehovah's Witnesses Church is located on Great Falls Road just north of Maryland Avenue in the Watts Branch Drainage area. The Church plans to construct an addition to the building and expand the existing parking lot.

The Church addition and parking lot improvements will add 0.09 acres of imperviousness to the site. There is an existing Storm Water Management Facility on site that was installed in 1975 when the original building was constructed; it is a stone pit. Although on-site SWM could be accomplished, it would require either the construction of a new, very small system or modifications to the existing stone pit. Staff does not recommend small SWM structures because they are generally ineffective and frequently develop maintenance problems. Expanding an existing underground stone storage pit is also not recommended because of construction difficulties. Any expansion to this facility could lead to decreasing its capacity by filling up the stone pit with soil. Damage to this type of facility could cause it to be ineffective, or fail completely. Therefore, both of these alternatives are undesirable, and a waiver is recommended.

The runoff from this site will be conveyed by a tributary to Watts Branch to an enclosed storm drain to cross Route 270. It will then continue to travel in an open channel tributary to the proposed Rockmead Park SWM

facility. The Rockmead Facility will provide both storage and water quality for the additional runoff.

Staff recommends that a waiver be granted and that a contribution of \$1,800.00 (0.09 acres at \$20,000.00 per impervious acre) be accepted for the City's regional SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed, SWM Waiver Request #8-88 for Jehovah's Witnesses Church addition at Great Falls Road was approved by the Mayor and Council and a contribution of \$1,800.00 was accepted for the City's regional SWM program.

Re: Approval of on-site waiver #11-88, West Edmonston Drive

The 11.4 acre site of the old Hungerford Elementary School, located on West Edmonston Drive, is in the Cabin John drainage are. The site is currently improved by a school building, playground and parking lot. The Montgomery County Department of Facilities and Services plans to expand the parking lot.

The proposed parking lot expansion will add 0.15 acres of impervious area. On-site methods of SWM were considered. However, our staff does not recommend using on-site methods because it would involve using a small facility that may easily and frequently develop maintenance problems. In addition, past experience indicates that small facilities are less efficient at controlling runoff than regional SWM facilities. Therefore, a waiver is recommended.

The runoff from this site enters a tributary to Cabin John Creek and is conveyed by open channel to the proposed South Rockville Impoundment Lake Facility. The lake will provide both quantity and quality control for this additional runoff.

Staff recommends that a waiver be granted and that a contribution of \$3,000 (0.15 impervious acres at \$20,000 per acre) be accepted for the City's regional SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed, SWM Waiver Request #11-88 for Montgomery County Children's Resource Center at West Edmonston Drive, was approved by the Mayor and Council and a contribution of \$3,000 was accepted for the City's regional SWM program.

Re: Award of Contract: Bid #36-88,
Redgate Irrigation System

This is a project to design and install a new irrigation control system that will be compatible with the existing valves, piping and heads at Redgate Golf Course. All new control modules are to be installed and the complete system is to be rewired, including installation of power lines. Funds were allocated in the Golf Course FY88 operating budget for this project.

Bid #36-88 was awarded November 30, 1987, to the low bidder, Allegheny Sprinkler System, in the amount of \$54,450.00. Allegheny Sprinkler System is unable to obtain Performance and Payment Bonds as required by the contract.

Staff recommends defaulting Allegheny Lawn Sprinkler and awarding the contract to the second low bidder, Howard County Landscape & Sodding Company in the amount of \$60,140.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #36-88 for the Redgate Irrigation System was defaulted to the low Bidder, Allegheny Sprinkler System, and awarded to the second low bidder, Howard County Landscaping & Sodding Company, Inc., in the amount of \$60,140.00.

Re: Adoption of Ordinance: To Revise
and Amend Appropriations
Ordinance FY88, Ordinance No.
19-87

Ordinance No. 4-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 4-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to revise and amend appropriations ordinance FY88, Ordinance No. 19-87, was adopted by the Mayor and Council.

Re: Approval of Revised Memorandum
of Understanding between the
Rockville Police and Montgomery
County Police.

Minor technical revisions have been made to the Memorandum.

On motion of Councilman Abrams, duly seconded and unanimously passed, the revised Memorandum of Understanding between the Rockville Police and Montgomery County Police, delineating duties and services to be provided, was adopted by the Mayor and Council.

Re: Discussion and Instructions to
staff re filing of text
amendment to permit group homes
in residential zones by special
exception

The City has been wrestling for some time with the policy issue of group homes in residential and other areas. In the past, group homes have sought approval under one of three categories of use: the Zoning Ordinance definition of family, which allows up to five unrelated individuals to live together as a single housekeeping unit; as a public use, which requires a special exception; or as an eleemosynary and philanthropic institution, which requires a special exception in residential zones. In March, 1987, the City identified 13 group homes and 5 shelters operating within its borders. All of

the shelters have valid special exceptions as eleemosynary institutions, and six of the group homes operate under the preemption provisions of the Maryland law. Two group homes for males under age 18, operated by the County Department of Family Resources, are operating without local approval, and have done so for a number of years.

The City Attorney explained that last year his office began work on this amendment since the Zoning Ordinance does not address the situation at present. He explained that the role of the Mayor and Council in this process is legislative and his staff will endeavor to produce a vehicle for public discussion and then once the frame work is set and appropriate definitions are made, the ordinance can be put in place. Councilman Coyle suggested that once the criteria have been established, a role should be developed for the Mayor and Council within the process. It was the consensus of the Mayor and Council that the City Attorney's staff should proceed with drafting a text amendment.

Re: Introduction of Ordinance: AN
ORDINANCE OF THE MAYOR AND
COUNCIL OF ROCKVILLE to
authorize the issuance and sale,
upon its full faith and credit,
of its general obligation bonds
in aggregate principal amounts
not to exceed eleven million
dollars for the public purpose
of (i) refunding a portion of
the outstanding THE MAYOR AND
COUNCIL OF ROCKVILLE GENERAL
IMPROVEMENT BONDS OF 1984,
Series A, Series B, and Series
C; (ii) paying the costs
incurred by the City in
connection with the issuance of
such bonds; and generally
providing for the issuance, sale
and delivery of such bonds.

On motion of Councilman Abrams, there was introduced upon the table, AN
ORDINANCE OF THE MAYOR AND COUNCIL OF ROCKVILLE, to authorize the issuance and

sale, upon its full faith and credit, of its general obligation bonds in aggregate principal amounts not to exceed eleven million dollars for the public purpose of (i) refunding a portion of the outstanding THE MAYOR AND COUNCIL OF ROCKVILLE GENERAL IMPROVEMENT BONDS OF 1984, Series A, Series B, and Series C; (ii) paying the costs incurred by the City in connection with the issuance of such bonds; and generally providing for the issuance, sale and delivery of such bonds. Said ordinance to lay over for at least one week before final adoption.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. R. Nix, NAACP, re upcoming meeting
2. M. Freeland, ACSC, re new role for commission

Mayor Duncan suggested a work session be set with the Alternative Community Service Commission.

3. K. Hatton and L. Ross, re Rent Control

Councilman Coyle asked for a status report on negotiations with Congressional Towers. Mayor Duncan asked that a staff response be forwarded to the Council.

4. Mrs. L. Warrell, re W. Montgomery Ave. improvements
5. J.M. and C.M. Gordon, re Scott Drive subdivision

Re: FYI

1. Public Works Report for weeks ending January 22 and January 29
2. Police Reports for January 25 and February 1
3. Planning Reports for January 29 and January 26
4. Metropolitan Washington Council of Government Recycling Committee
5. Inspection Policy for rental properties

Councilman Coyle asked what criteria are used and what is the process of notification for single family rentals. Staff will get back with more information. Mayor Duncan asked that in the case of tenant complaints the owner should be notified.

6. Manual Checks for the month of January

7. Reactivation of Technology and Productivity Innovation

Councilwoman Hovsepian asked what the cost would be to the City.

Councilman Coyle asked that the staff, in gathering this information, also include the benefits of the City of membership over the years and what is the payback.

8. MSHA Contract M-278-501-372, Interstate Route 270

9. Highlights of Rec and Parks December Progress Report

10. HOMAR Grant

11. Radon Testing for Rockville area homes

Councilman Robbins noted that this had been mentioned earlier.

12. Computer Acquisitions and conflict of interest issue

13. Rockville Rotary Club Run Fest/Sports Fest

14. Employee Accomplishments and Thanks

Councilman Robbins thanked Bobby Malone, Wilson Fisher, Larry Lee, Ronald Ambush, and Faye Edwards for their extra efforts. The City Manager noted that the staff is in the process of drafting a reasonable approach to formalize recognition of employees.

Re: New Business

1. Councilman Abrams asked if the Council could have an update from the Rockville Housing Authority on the purchase of homes in the City.

2. Councilman Abrams noted that he had received information on set-asides for minority contracts and that he would like to see that brought before the Council periodically.

3. Councilwoman Hovsepian noted that she attended the Montgomery County "Town Meeting on the Future". She exhibited the paper listing the schedule and urged all who can attend to do so and to participate at the meetings as they go on throughout the County.

4. Councilman Coyle said the Telesearch Corporation, that had been hired to do the City Manager search, had a corporate consolidation that closed the Bethesda office. Because of this, the Council Committee has made preliminary arrangements with The Interface Group, Ltd. to conduct the search. When the contract is finalized, it will be placed on the agenda for authorization.

5. Councilman Coyle noted a memorandum received from the City Attorney's office concerning the Board of Appeals request for a one year term for the alternate. The City Attorney said that it can be accomplished without a text amendment. The Council agreed this would be the best alternative.

6. A letter had been forwarded to the Council asking for support from the City for the restoration of the Grand Courtroom and stained glass windows in the 1891 Red Brick Courthouse. The Mayor and Council approved the letter.

Re: Executive Session

On motion of Councilman Coyle, duly seconded and unanimously passed, the meeting was closed at 8:25 p.m. for Executive Session to discuss personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:15 p.m. to convene again in Executive Session on Tuesday, February 9, 1987, at 6:30 p.m. or at the call of the Mayor.